

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------|---|-----------------------------|
| JASON L. BROWN, | : | |
| <i>Plaintiff,</i> | : | |
| | : | |
| v. | : | CIVIL ACTION NO. 23-CV-4499 |
| | : | |
| UNITED STATES JUDGE JOHN | : | |
| MILTON YOUNGE, | : | |
| <i>Defendant.</i> | : | |

MEMORANDUM

PAPPERT, J.

November 16, 2023

Pro se Plaintiff Jason L. Brown sued United States District Judge John Milton Younge over how Judge Younge handled Brown's employment discrimination case. (ECF No. 2.) Brown also filed a Motion to Proceed *In Forma Pauperis*. (ECF No. 1.) For the following reasons, the Court will grant Brown leave to proceed *in forma pauperis* and dismiss his Complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

I¹

On August 11, 2022, Brown filed an employment discrimination complaint against the Delaware River Port Authority. *Brown v. Delaware River Port Auth.*, E.D. Pa. Civ. A. No. 22-3199 (ECF No. 1). Judge Younge was assigned to the case and

¹ The facts set forth in this Memorandum are taken from the Complaint. The Court also takes judicial notice of the docket for the lawsuit underlying Brown's claims. *See Buck v. Hampton Twp.*, 452 F.3d 256, 260 (3d Cir. 2006). The Court adopts the pagination supplied by CM/ECF.

eventually dismissed Brown's claims with prejudice. He also denied a motion Brown filed seeking his recusal. *Id.* (ECF Nos. 39, 40, 48, 49).

Brown's Complaint here alleges that Judge Young's dismissal of his employment discrimination case and failure to recuse himself amounted to a constitutional violation. (Compl. at 3.) He also faults Judge Young for failing to refer the case to a Magistrate Judge or appoint an attorney. (*Id.*) Accordingly, Brown asks the Court to "rule such dismissal is unconstitutional" and award him \$400,000 in damages. (*Id.* at 4.)

II

The Court grants Brown leave to proceed *in forma pauperis* because it appears that he is incapable of paying the fees to commence this civil action. Accordingly, 28 U.S.C. § 1915(e)(2)(B)(i) requires the Court to dismiss the Complaint if, among other things, it is frivolous. A complaint is subject to dismissal under § 1915(e)(2)(B)(i) as frivolous if it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). It is legally baseless if "based on an indisputably meritless legal theory," *Deutsch v. United States*, 67 F.3d 1080, 1085 (3d Cir. 1995), and factually baseless "when the facts alleged rise to the level of the irrational or the wholly incredible." *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). Because Brown is proceeding *pro se*, the Court construes his allegations liberally. *Higgs v. Att'y Gen.*, 655 F.3d 333, 339 (3d Cir. 2011).

III

Brown's Complaint is legally baseless. "The structure of the federal courts does not allow one judge of a district court to rule directly on the legality of another district

judge's judicial acts" *Smith v. Meyers*, 843 F. Supp. 2d 499, 505 (D. Del. 2012). To the extent Brown seeks review of Judge Younge's dismissal of his claims, he had the option of filing a notice of appeal to the United States Court of Appeals for the Third Circuit. That he declined to pursue an appeal does not entitle him to bring a separate civil action for review of his employment discrimination case. *See Carter v. All Dist. Fed. Judges*, 415 F. App'x 363, 365 (3d Cir. 2011) (*per curiam*) ("To the extent [plaintiff's] allegations reflect her disagreement with the resolution of her previous cases, the proper vehicle for raising such a challenge is to file an appeal in those cases, not bring a new action.").

In any event, judges are entitled to absolute immunity from civil rights claims that are based on acts or omissions taken in their judicial capacity so long as they do not act in the complete absence of all jurisdiction. *See Stump v. Sparkman*, 435 U.S. 349, 355-56 (1978); *Harvey v. Loftus*, 505 F. App'x 87, 90 (3d Cir. 2012) (*per curiam*); *Azubuko v. Royal*, 443 F.3d 302, 303-04 (3d Cir. 2006) (*per curiam*). An act is taken in a judge's judicial capacity if it is "a function normally performed by a judge." *Gallas v. Supreme Ct. of Pa.*, 211 F.3d 760, 768 (3d Cir. 2000). Since it is apparent that Brown's claims are based on Judge Younge's handling of Brown's employment discrimination case, Judge Younge is entitled to absolute judicial immunity. *See Martinez v. United States*, 838 F. App'x 662, 664 (3d Cir. 2020) (*per curiam*) ("We have suggested that federal judges may be immune to claims for injunctive relief, and, in any event, the prior judicial decisions that Martinez complains about either were or could have been the subject of appellate review." (internal citations omitted)); *Soto v. Sleet*, 458 F. App'x 89, 90 (3d Cir. 2012) (*per curiam*) (finding that the district court properly dismissed

claims by a *pro se* litigant brought against a federal district judge as legally frivolous on the basis of judicial immunity where the judge acted in the course of ruling on a motion); *see also Carter*, 415 F. App'x at 364-65 (affirming dismissal of *pro se* litigant's claims against "All District Federal Judges" – to the extent her claims were "even intelligible" – on the basis that they consisted of merely vague and conclusory accusations and did not include facts to establish that her claims fall within the narrow exceptions to judicial immunity).

IV

For the foregoing reasons, the Court will grant Brown leave to proceed *in forma pauperis* and dismiss his Complaint with prejudice as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). As the Complaint is frivolous and the defects are incurable, Brown will not be given leave to amend. An appropriate Order follows.

BY THE COURT:

/s/ Gerald J. Pappert

GERALD J. PAPPERT, J.